

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CYRUS DEMOND RUFFIN,)	
)	
Petitioner,)	
)	1:15CV913
v.)	1:13CR398-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On July 6, 2017, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 45, 46.) Petitioner timely filed objections (Doc. 47) to the Recommendation.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the previous stay based on Beckles v. United States, 580 U.S. ____, 137 S. Ct. 886 (2017) is lifted, that Petitioner's motion to vacate, set aside, or correct sentence (Doc. 30) is **DENIED**, and that this action be, and the same hereby is, dismissed with prejudice. Finding no

substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 11th day of September, 2017.


United States District Judge